



## 2021 South Dakota Legislature

# House Bill 1078

*Introduced by: The Committee on State Affairs*

1 **An Act to revise certain provisions regarding the South Dakota State Historical**  
 2 **Society.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 1-18-2 be AMENDED.

5 **1-18-2. Purpose--Duties.**

6 The South Dakota State Historical Society within the Department of Education shall  
 7 collect, preserve, exhibit, and publish material for the study of history, especially the  
 8 history of this state and ~~adjacent states~~ the upper great plains. To this end, the office shall  
 9 explore the archaeology of the region; acquire documents and manuscripts; obtain  
 10 narratives and records of pioneers; conduct a library of historical reference; maintain ~~a~~  
 11 ~~gallery of historical portraiture, and an ethnological and historical museum~~ the South  
 12 Dakota State History Museum; survey, document, and promote the preservation of  
 13 historic properties and sites; examine the culture and history of American Indians and  
 14 other ethnic groups; publish and otherwise diffuse information relating to the history of  
 15 the region to schools and communities; and ~~in general~~ generally encourage and develop  
 16 within the state the study of history.

17 **Section 2.** That § 1-18-2.2 be REPEALED.

18 **1-18-2.2. Review and analysis of historical society.**

19 **Section 3.** That § 1-18-3 be AMENDED.

20 **1-18-3. Creation--Additional duties.**

21 There is hereby created the South Dakota State Historical Society which shall  
 22 perform the following duties and any other duties as may be imposed upon it by law:

- 23 (1) Provide education of the public in the fields of history;  
 24 (2) Promote the preservation of sites of historical and cultural significance;

- 1       (3) ~~Private~~Encourage private fund raising to support historical projects;
- 2       (4) Continue responsibilities and contracts with members of the society, as provided by
- 3       law;
- 4       (5) Maintain liaison and support with local historical societies and groups;
- 5       (6) ~~Serve as an advisory group~~Provide advice to the secretary of education and the
- 6       State Historical Society Board of Trustees so as to promote cooperation in the
- 7       preservation of the history of the state;
- 8       (7) Conduct special programs and public events to promote history;
- 9       (8) Promote the study of archaeology;
- 10      (9) Promote the preservation of historical records; and
- 11      (10) Publish such information relating to the history of the state as it deems advisable.

12           The South Dakota State Historical Society shall be organized with officers, as provided

13           in §§ 1-18-18, 1-18-20, and 1-18-25, and members, ~~as hereinafter provided in § 1-18-4.~~

14      **Section 4.** That § 1-18-4 be REPEALED.

15                   **1-18-4. Classes of members--Selection.**

16      **Section 5.** That § 1-18-7 be AMENDED.

17                   **1-18-7. Officers--Participation--Members only.**

18           Except as ~~otherwise specially provided in § 1-18-25,~~ only ~~life and annual~~ members

19           ~~shall~~may hold office in the historical society and possess the right to vote and take part

20           in its proceedings ~~shall be possessed only by life and annual members and delegates from~~

21           ~~auxiliary societies.~~

22      **Section 6.** That § 1-18-8 be AMENDED.

23                   **1-18-8. Place of business.**

24           The principal business of the society shall be transacted at the South Dakota

25           ~~Cultural Heritage Center and suitable accommodations shall be made available to the~~

26           ~~society.~~ State History Museum.

27      **Section 7.** That § 1-18-10 be AMENDED.

28                   **1-18-10. Society--Meetings.**

29           ~~Special meetings~~Meetings of the membership of the historical society may be held

30           from time to time as required upon the call of the president and director, ~~and such~~

1 ~~meetings shall be called by the director or~~ upon the written request of ~~five~~ seven members  
2 of the State Historical Society Board of Trustees to the director.

3 **Section 8.** That § 1-18-11 be AMENDED.

4 **1-18-11. Society--Meetings--Quorum.**

5 At any meeting of the historical society, ~~regular or special, not less than ten~~ at  
6 least five percent of members having the right to vote ~~shall constitute~~ constitutes a  
7 quorum.

8 **Section 9.** That § 1-18-13.3 be AMENDED.

9 **1-18-13.3. Trustees--Election--Qualifications--Initial terms.**

10 The South Dakota State Historical Society shall elect six members from its  
11 membership to the State Historical Society Board of Trustees by using the voting process  
12 that the board shall determine. One must be an archivist, one must be an architectural  
13 historian, and one must be an archaeologist, ~~each~~. All trustees must be qualified to meet  
14 the requirements for receipt of federal funds. The initial members elected from the  
15 membership of the South Dakota State Historical Society will be elected by the executive  
16 committee of the South Dakota State Historical Society. Two of these members shall be  
17 selected for a one-year term, two for a two-year term, and two for a three-year term.

18 **Section 10.** That § 1-18-13.4 be REPEALED.

19 **1-18-13.4. Meeting to elect trustees--Notice.**

20 **Section 11.** That § 1-18-14.1 be AMENDED.

21 **1-18-14.1. Trustees--Meetings.**

22 The State Historical Society Board of Trustees shall meet at least four times  
23 ~~annually~~ each year. Special meetings may be held at the call of the president or upon the  
24 request of seven members of the board. A decision of the trustees is subject to contested  
25 case provisions pursuant to chapter 1-26. The per diem and expenses of the board shall  
26 be paid out of funds appropriated for the South Dakota State Historical Society drawn by  
27 the state auditor upon itemized vouchers approved by the director.

28 **Section 12.** That § 1-18-15 be AMENDED.

1           **1-18-15. Trustees--Subcommittees.**

2           The board of trustees may appoint subcommittees of its own number which may  
3           exercise such powers as are entrusted to them, respecting subjects for which they are  
4           especially appointed, ~~including supervision of the expenditures of funds available for the~~  
5           ~~support and maintenance of the historical society.~~

6           **Section 13.** That § 1-18-16 be REPEALED.

7           **1-18-16. Bylaws of historical society.**

8           **Section 14.** That § 1-18-17 be AMENDED.

9           **1-18-17. Society--Management--Trustees.**

10          The board of trustees shall ~~manage, administer, and control the disposition of the~~  
11          ~~money, property and effects, and~~ oversee the affairs of the historical society, and ~~direct~~  
12          ~~the officers thereof under such limitations~~ perform those functions assigned in this chapter  
13          and all other functions as are prescribed may be assigned by law. The board has advisory  
14          functions, as defined in § 1-32-1, with regard to the South Dakota State Historical Society.

15          **Section 15.** That § 1-18-18 be AMENDED.

16          **1-18-18. Trustees--President--Vice-president--Terms.**

17          There shall be elected biennially, by the board of trustees, ~~at the close of the~~  
18          ~~regular meeting of the historical society,~~ a president and vice-president, who shall hold  
19          their respective offices for a term of two years and until their successors are duly chosen.

20          **Section 16.** That § 1-18-19 be AMENDED.

21          **1-18-19. President--Vice-president--Duties.**

22          The president shall preside at all meetings of the historical society and of the board  
23          of trustees, ~~and sign all deeds, releases, and conveyances executed by the society.~~

24          The vice-president shall discharge the duties of the president in the event of the  
25          president's absence or inability to act from any cause.

26          **Section 17.** That § 1-18-22 be AMENDED.

27          **1-18-22. Director--Duties.**

28          The director of the South Dakota State Historical Society shall ~~countersign all~~  
29          ~~deeds, releases, and conveyances executed by the society, and shall affix the seal of the~~

1 ~~society thereto, and to such other papers as shall be required or directed to be sealed~~  
 2 execute the powers and discharge the duties vested by law in the society; shall keep a  
 3 record of the proceedings of the society and of the board of trustees; shall safely and  
 4 systematically keep all papers, records, and documents belonging to the society or  
 5 appertaining to the business thereof, except such as may be committed to the care of  
 6 other officers; shall conduct the correspondence of the society; shall ~~edit and~~ supervise  
 7 the society's exhibitions and publications, and generally so far as required, always subject  
 8 ~~to the direction of the board of trustees,~~ shall administer the several activities and offices  
 9 of the society.

10 **Section 18.** That § 1-18-25 be AMENDED.

11 **1-18-25. State treasurer as treasurer of historical society--Membership in**  
 12 **historical society not required to serve as treasurer--Duties.**

13 The state treasurer is treasurer of the historical society regardless of whether the  
 14 state treasurer is a member of the historical society. The state treasurer shall receive and  
 15 maintain custody of all money, securities for money, and such other property of the society  
 16 that is committed to the state treasurer's charge by the board of trustees; invest the  
 17 capital of the special funds as authorized by the board of trustees; pay out such funds as  
 18 authorized; and render from time to time, to the society, statements in writing of the  
 19 sums of money received and from what source received, of the sums disbursed and for  
 20 what purpose, with proper vouchers accompanying the same, and of money, securities,  
 21 and property in the state treasurer's possession, and generally of all matters pertaining  
 22 to the office of the treasurer of the historical society.

23 **Section 19.** That § 1-18-28 be REPEALED.

24 **1-18-28. Compensation of officers and employees.**

25 **Section 20.** That § 1-18-29 be REPEALED.

26 **1-18-29. Fiscal year of historical society.**

27 **Section 21.** That § 1-18-31 be AMENDED.

28 **1-18-31. Fees--Fund.**

29 All money collected by the historical society or any officer thereof ~~for individual life,~~  
 30 ~~patron individual, or corporate~~ as membership fees, from the sale of duplicates, from gifts

1 or bequests, or from any other source shall be paid into the treasury and shall be kept by  
2 the treasurer as the historical society special state revenue fund, to be used for the  
3 purposes set forth in § 1-18-2 and paid out on proper vouchers as ~~directed by the board~~  
4 of trustees approved by the director.

5 **Section 22.** That § 1-18-31.1 be AMENDED.

6 **1-18-31.1. Publications revolving account--Purposes--Deposits.**

7 There is hereby created within the historical society special revenue fund, a  
8 publications revolving account to be used for the purpose of republishing documents,  
9 materials, and works of historical significance to this state, ~~adjacent states, and the region~~  
10 and the upper great plains. The proceeds from the sale of such republished material and  
11 any gifts made for this purpose shall be deposited in the publications revolving account.

12 **Section 23.** That § 1-18B-2 be AMENDED.

13 **1-18B-2. Board--Duties--Preservation and publication--Activities authorized.**

14 In addition to the other duties imposed upon it by law, the State Historical Society  
15 Board of Trustees shall collect, preserve, exhibit, and publish material for the study of  
16 history, especially the history of South Dakota and ~~adjacent states~~ the upper great plains,  
17 and to this end explore the archaeology of the region; acquire documents and  
18 manuscripts; obtain narratives and records of pioneers; conduct a library of historical  
19 reference; ~~maintain a gallery of historical portraiture, and an ethnological and historical~~  
20 museum; survey, document, and promote the preservation of historic properties and  
21 sites; examine the culture and history of American Indians and other ethnic groups;  
22 publish and otherwise diffuse information relating to the history of the region; and, ~~in~~  
23 ~~general,~~ generally encourage and develop within the state the study of history.

24 **Section 24.** That § 1-18B-4 be AMENDED.

25 **1-18B-4. Board--Expenditures.**

26 The State Historical Society Board of Trustees may expend such funds as are made  
27 available to it for the purposes assigned to it by law. Such expenditures shall be made in  
28 accordance with the laws of the state and paid out on vouchers signed by the ~~chair of the~~  
29 ~~board or a duly authorized representative of the board~~ director.

30 **Section 25.** That § 1-18B-8 be AMENDED.

1           **1-18B-8. Board--Publications--Exchanges--Sales--Prices.**

2           Any material published by the State Historical Society Board of Trustees shall be  
3           printed as provided by law and copies thereof exchanged for similar publications and sold  
4           to the general public as the board may determine. ~~The board director shall, consistent~~  
5           with existing law, ~~establish prices the price~~ at which each publication may be ~~purchased~~  
6           sold or delivered.

7           **Section 26.** That § 1-18B-9 be AMENDED.

8           **1-18B-9. Public records--Release to society--Prerequisites and conditions.**

9           Any state, county, or municipal public official may release to the South Dakota  
10          State Historical Society any record for ~~microfilming~~ duplication under the following  
11          circumstances:

- 12          (1) The official shall designate such record in writing and certify that the record has  
13              important historical value;
- 14          (2) The record shall be of the type and sort which is not ordinarily in current usage;
- 15          (3) The official shall receive a receipt for the record and pay all costs of transportation  
16              of the record from its place of deposit ~~to the capital~~ with the South Dakota State  
17              Historical Society, and for its return, including insurance, if conveyed by other than  
18              an official of the office;
- 19          (4) ~~Such record may not be absent from its legal place of deposit for a period of over~~  
20              ~~four weeks;~~
- 21          (5) ~~Microfilms~~ Duplications of the record shall be available to the legal custodians at the  
22              cost of reproducing the record.

23          **Section 27.** That § 1-18B-12 be AMENDED.

24          **1-18B-12. Copies--Fees.**

25          For making copies of any ~~such~~ paper, advertisement, legal notice, or document,  
26          the South Dakota State Historical Society ~~shall charge a fee equal to the cost of~~ Board of  
27          Trustees may promulgate rules, pursuant to chapter 1-26, to set fees for reproducing such  
28          paper, advertisement, legal notice, or document ~~and for every certificate thereto the sum~~  
29          ~~of fifty cents.~~

30          **Section 28.** That § 1-18C-5 be AMENDED.

1           **1-18C-5. Archivist--Official custodian--Duties.**

2           The archivist is the official custodian of the archival resources of the state and shall  
3 assemble, preserve, and service the permanently valuable records of the state. The  
4 archivist shall receive all records transferred to the archives for permanent retention and  
5 negotiate for the transfer of any records in the custody of a state agency. The Subject to  
6 appropriate restrictions, the archivist shall make any records in custody available to serve  
7 the administrative and informational needs of state government and the people of the  
8 State of South Dakota.

9           **Section 29.** That § 1-18C-8 be AMENDED.

10           **1-18C-8. Archivist--Receipts for acquisitions--Copies.**

11           The archivist shall prepare receipts for any archival resources acquired under the  
12 provisions of this chapter, and shall deliver ~~one copy to the state records manager and~~  
13 one copy to the agency head from which the records were obtained, and retain one or  
14 more copies for use in the state archives.

15           **Section 30.** That § 1-19A-9 be REPEALED.

16           **1-19A-9. State Historical Society as agency to accept donations--Exception.**

17           **Section 31.** That § 1-19A-25 be REPEALED.

18           **1-19A-25. Heritage area designation.**

19           **Section 32.** That § 1-19A-26 be REPEALED.

20           **1-19A-26. Determining heritage areas.**

21           **Section 33.** That § 1-19A-27 be REPEALED.

22           **1-19A-27. Promulgation of rules for heritage area designations.**

23           **Section 34.** That § 1-19A-28 be REPEALED.

24           **1-19A-28. Promotional materials to consider designated heritage areas--**  
25 **Prioritizing heritage areas for historic properties benefits.**

26           **Section 35.** That § 1-20-18 be AMENDED.



1           **1-20-18. Definitions.**

2           Terms used in this chapter mean:

3           (1) "Complete collection," any site forms, updated site forms, artifacts, ecofacts,  
 4           permits, contracts, correspondence, survey and excavation records, field notes,  
 5           maps, lab analysis records, manuals for field and lab procedures, photographic  
 6           media, professional papers, shapefiles, and all documentation related to the project  
 7           or undertaking;

8           (2) "Field investigations," the study of the traces of human culture at any land or water  
 9           site by means of surveying, digging, sampling, excavating, or removing surface or  
 10          subsurface objects, or going on a site with that intent;

11          ~~(2)~~(3) "Site," any aboriginal mound, fort, earthwork, village location, burial ground,  
 12          historic or prehistoric ruin, mine, cave, or other location which is or may be the  
 13          source of important archaeological data;

14          ~~(3)~~(4) "Specimens," all relics, artifacts, remains, objects, or any other evidence of an  
 15          historical, prehistorical, archaeological, or anthropological nature, which may be  
 16          found on or below the surface of the earth, and which have scientific or historical  
 17          value as objects of antiquity, as aboriginal relics, or as archaeological samples.

18   **Section 36.** That § 1-20-25 be AMENDED.

19           **1-20-25. Exclusive right--Investigation on public lands--Property of state.**

20           The ~~State of South Dakota~~ state reserves to itself the exclusive rights and privilege  
 21           of field investigation on ~~sites~~ land owned or controlled by the state, its agencies,  
 22           departments, institutions, or political subdivisions in order to protect and preserve  
 23           archaeological and scientific information, matter, and objects. All such information and  
 24           objects deriving from state lands shall remain the property of the state and be utilized for  
 25           scientific or public educational purposes.

26   **Section 37.** That § 1-20-33 be AMENDED.

27           **1-20-33. Exploration results--Report to state archaeologist.**

28           When exploration or field investigations are undertaken pursuant to § 1-20-32, a  
 29           summary report of such undertakings, containing relevant maps, documents, drawings,  
 30           and photographs shall be submitted to the state archaeologist for review.

31   **Section 38.** That § 1-20-34 be AMENDED.

1           **1-20-34. Specimens collected--State property--Disposition.**

2           ~~All specimens collected under~~ When a permit is issued pursuant to § 1-20-32 ~~shall~~  
3 ~~be,~~ the permittee shall prepare a technical report documenting such project or  
4 undertaking. The report shall be submitted to the state archaeologist for review and  
5 approval. The complete collection of the project is the permanent property of the state.  
6 The state archaeologist ~~shall~~ may make ~~prior~~ arrangements for the disposition of  
7 specimens ~~derived from such activities in an appropriate institution of the state or for the~~  
8 ~~loan of such specimens to qualified institutions~~ the complete collection in another  
9 federally-recognized repository, in or out of the state.

10 **Section 39.** That § 5-15-49 be REPEALED.

11           **5-15-49. Centennial Cultural Heritage Center established in Pierre.**